

Appl. No. 09/412,792
Response Dated October 10, 2006
Reply to Office Action of June 8, 2006

REMARKS

Claims 1, 3-14, and 18-30 are pending in this application. Claims 1, 10, 14, 18, 22, and 26 have been amended. No new matter has been added. Favorable reconsideration and allowance of the pending claims are respectfully requested

Claim Rejections

Claims 1, 3-7, 9-14, 18-20, and 22-29 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number (USPN) 6,684,399 to Grooters (“Grooters”). Claims 21 and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Grooters. Claim 8 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Grooters, as applied to claim 1, in view of the Advanced Television Enhancement Forum Specification (“ATVEF”). Applicant traverses the rejections.

While Applicant disagrees with the Examiner’s Response to the prior Amendment and the grounds of rejection set forth therein, Applicant has amended the independent claims in order to expedite prosecution on the merits. In particular, independent claims 1, 10, 14, 18, 22, and 26 have been amended to recite “the plurality of viewer applications comprising at least a first viewer application associated with a particular content provider and a second viewer application functioning as a default viewer application, the first viewer application to present data broadcast by the particular content provider as viewable content which includes additional interactive features incorporated by the particular content provider, the default viewer application to present the data broadcast by the particular content provider as viewable content without the additional interactive features.”

Applicant submits that Grooters clearly fails to teach or suggest at least the above-identified language of independent claims 1, 10, 14, 18, 22, and 26 and that such claims are allowable for at least this reason. Applicant also submits that claims 3-9, 11-13, 19-21, 23-25, and 27-30 are allowable by virtue of their dependency, as well as on their own merits.

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Applicant further submits that claim 8 recites features similar to claim 1 and therefore represents patentable subject matter for at least the reason given for claim 1 in that the ATVEF Specification does not remedy the deficiencies of Grooters with respect to amended independent claim 1.

In view of the above, Applicant submits that pending claims 1, 3-14, and 18-30 recite novel features not shown by the cited references. Further, Applicant submits that such novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the pending claims are not anticipated nor rendered obvious in view of the cited references.

For at least the reasons set forth above, Applicant respectfully requests reconsideration and removal of the § 102(e) rejection of claims 1, 3-7, 9-14, 18-20, and 22-29; the § 103(a) rejection of claims 21 and 30; and the § 103(a) rejection of claim 8.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

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It is believed that claims 1, 3-14, and 18-30 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present patent application.

Respectfully submitted,

KACVINSKY LLC

A handwritten signature in black ink, appearing to read "ROBERT V. RACUNAS".

Robert V. Racunas, Reg. No. 43,027
Under 37 CFR 1.34(a)

Dated: October 10, 2006

4500 Brooktree Road, Suite 102
Wexford, PA 15090
(724) 933-9344